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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/915,110	07/24/2001	Peter L. Froeberg	TRMB928	5579

7590 02/19/2004

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EXAMINER

LOUIS JACQUES, JACQUES H

ART UNIT	PAPER NUMBER
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3661

DATE MAILED: 02/19/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/915,110

Applicant(s)

FROEBERG, PETER L.

Examiner

Jacques H Louis-Jacques

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 15 December 2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-19 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-19 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1-3, 5-10, and 12-19 are rejected under 35 U.S.C. 102(b) as being anticipated by Cohen [6,060,993].

Cohen [6,060,993] discloses a mobile display system, wherein a vehicle is equipped with externally viewable display panels. According to Cohen, an onboard controller determines the position of the vehicle and drives the display to generate a publicly viewable message selected for viewing, within such location. The message is selected and displayed based on a prescribed schedule, i.e., date, time of day, etc. Cohen discloses a position determination system (GPS, 18) for determining the position and direction of the vehicle, a controller (16) couple to the position determination system (GPS), a storage unit (memory) coupled to the controller and adapted to stored different messages, a display (14) couple to the memory and the controller for displaying a message selected by the controller, wherein the controller selects a message based on the position and direction of travel of the vehicle. Display (14) mounted on top of a vehicle 12 (figure 1) external to the vehicle and viewable by an audience external to the vehicle. According to Cohen, which well known in the art, there is provided a receiver coupled to the position determination system for receiving the position and direction of travel of the

vehicle. Cohen discloses a GPS receiver (column 4). As described in column, the controller is in communication with one or more fixed stations, wherein data are downloaded from the one least one fixed into the memory of the system, therein updating contents thereof periodically. See column 4. Cohen also discloses the length of amount time the selected message is to be displayed (abstract). *Figure 4 shows a GPS (18) and vehicle monitor (15). In column 4, Cohen discloses the status monitor (15) of vehicle parameters, e.g., vehicle speed, direction, outside temperature, weather conditions, etc. is carried by the vehicle 12 with the controller 16 receiving status data signals indicative of the monitored parameters. See lines 23-26. The controller, according to Cohen, selects a message content to be displayed based on data from a GPS (18) and direction of travel as monitored by vehicle monitor 15. See figure 4. Furthermore, in column 4, lines 42-46, Cohen discloses that "the controller 16 thereafter drives the display with the appropriated display message content coordinated with the vehicle location as monitored from the GPS receiver 18 ... as well as the monitored parameters". The monitored parameters include direction [of travel] of the vehicle. See also column 5.*

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

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4. Claims 4 and 11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Cohen [6,060,993] in view of Polyakov [US 2001/0052841 A1], hereafter Polyakov.

Although Cohen disclosed a “vehicle monitor” (15) for determining vehicle parameters such as the direction of travel of the vehicle, Cohen does not particularly disclose that the use of a digital compass. Polyakov, on the other hand, discloses a system of advertising, wherein advertisements are displayed on a display (4) located on the vehicle (2). According to Polyakov, a position determination means (7) in conjunction with a GPS is used to determine the position of the vehicle and a [digital] compass (22) is used to determine the direction of travel of the vehicle. Both the position and direction of the vehicle are used to generate (retrieve) advertisements to be displayed on the display (4). See also page 2. Additionally, the advertisements are selected according to the time of the day (page 3, section [0023]). There is provided a time determining means for controlling (measuring) the time used by the display. Thus, it would have been obvious to one skilled in the art at the time of the invention to be motivated to modify the mobile display system of Cohen by incorporating the [digital] compass for determining the direction of the vehicle from the system of advertising of Polyakov because such modification would enable the system to determine the vehicle has moved to a different, thereby making the advertising more meaningful and efficient.

Response to Amendments & Arguments

5. The amendments along with the arguments filed on December 15, 2003 have been entered and carefully considered by the Examiner.

Applicant has amended the claims to recite that the controller selects the content from the storage device according to both the position and direction of travel and added, "the content selected is viewable by said audience external to said vehicle. Emphasis added. Applicant then argued that "Cohen only shows generating a message as a function of vehicle location" and that "Cohen does not show or suggest generating a message as a function of vehicle direction, or as a combination of both vehicle location and direction, as recited in independent claims 1, 8, and 15". See Response at page 8. The examiner respectfully disagrees.

First it is noted that it is well known in the art to obtain direction of travel as well as positional information from a positioning device such as a Global Positioning System (GPS). In fact, Applicant even mentions in the abstract of the present application "Position information (such as Global Positioning System information) is used to determine the location and direction of travel of the vehicle.

Second, as shown in figure 4, Cohen discloses a mobile display system comprises a Display (14) mounted on top of a vehicle 12 (figure 1) external to the vehicle and viewable by an audience external to the vehicle; a position determination system (GPS 18), which can determine a position and a direction of travel of vehicle; a controller (16) coupled to the GPS, a storage unit or memory coupled to the controller (figure 4) and display (14) coupled to the storage unit. In addition, Cohen shows a vehicle monitor (15)

coupled to the controller, wherein the controller causes the display to display a message stored in the storage unit (memory) based on data obtained from the GPS (18) and vehicle monitor (15). It is shown that even if the direction of travel is determined based on the GPS information, Cohen discloses a vehicle monitor that provides such direction of travel. As described in column 4, lines 22-25, Cohen discloses “a status monitor 15 of the vehicle parameters, e.g., vehicle speed, direction ... carried by the vehicle 12 with the controller receiving status data signals indicative of the monitored parameters.” Furthermore, in column 4, lines 42-46, Cohen describes that “the controller 16 thereafter drives the display 14 with the appropriate display message content coordinated with the vehicle location as monitored from the GPS receiver 18 and the date and time of day as ascertained by the clock **as well as** the monitored parameters.”

Accordingly, the Cohen patent is applied against the claims.

With regard to the Polyakov reference, Applicant argued that “Polyakov does not show or suggest selecting content as a function of vehicle direction, or as a combination of both vehicle location and direction, as recited in the independent claims 1 and 8”.

First, it is not that neither claim 1 nor claim 18 recites the use of digital compass. Second, the Polyakov reference was not used to reject claim 1 or claim 18. Third, the Polyakov was not used in the rejection because of “selecting content”. The Polyakov reference was used for disclosing the use of a digital compass for determining direction of travel. Applicant is respectfully reminded that one cannot show nonobviousness by attacking references individually where the rejections are based on combinations of references.

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See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981); *In re Merck & Co.*, 800 F.2d 1091, 231 USPQ 375 (Fed. Cir. 1986).

In light of the above, the rejections are sustained and this office action is made final.

Conclusion

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

6,414,602	Polyakov	Jul. 2002
6,366,856	Johnson	Apr. 2002

7. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jacques H Louis-Jacques whose telephone number is 703-305-9757. The examiner can normally be reached on M-Th 7:30 AM to 4:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, William Cuchlinski can be reached on 703-308-3873. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 872-9306 for regular communications and (703) 872-9306 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-1111.

Jacques H Louis-Jacques
Primary Examiner
Art Unit 3661

/jlj
February 10, 2004

Jacques H. Louis-Jacques
JACQUES H. LOUIS-JACQUES
PRIMARY EXAMINER